

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, *et al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 09-01364 (SMB)

**STIPULATION AND ORDER**

Irving H. Picard, as trustee (“Trustee”) for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa-*lll* (“SIPA”), substantively consolidated with the chapter 7 estate of Bernard L. Madoff, and defendant HSBC Securities Services (Luxembourg) S.A. (“HSSL”) (together, the “Parties”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

**WHEREAS**, on November 16, 2020, the Trustee filed a motion seeking the issuance of a Letter of Request requesting documents from HSSL, a Luxembourg entity (ECF No. 648) (the “Motion”);

**WHEREAS**, the Parties held a meet and confer on January 14, 2021 and have agreed on an adjusted briefing schedule to allow for further discussions on the Motion;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel that:

1. The deadline to file an objection to the Motion is adjourned from January 19, 2021 to February 19, 2021;
2. The deadline to file a reply is adjourned from February 2, 2021 to March 5, 2021;
3. The hearing date for the motion is adjourned from February 10, 2021 to March 10, 2021; and
4. This stipulation is without prejudice to the arguments of either HSSL or the Trustee, including but not limited to that the Court lacks personal jurisdiction over HSSL.

*[Remainder of Page Intentionally Left Blank]*

Dated: January 15, 2021  
New York, New York

/s/ Oren J. Warshavsky  
**BAKER & HOSTETLER LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Oren J. Warshavsky  
Email: owarshavsky@bakerlaw.com  
Michelle R. Usitalo  
Email: musitalo@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate  
of Bernard L. Madoff*

/s/ Nowell D. Bamberger  
**CLEARY GOTTLIEB STEEN &  
HAMILTON LLP**  
Nowell D. Bamberger  
(admitted *pro hac vice*)  
2112 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037  
Telephone: (202) 974-1500  
Facsimile: (202) 974-1999  
Email: nbamberger@cgsh.com

One Liberty Plaza  
New York, New York 10006  
Telephone: (212) 225-2000  
Facsimile: (212) 225-3999  
Thomas J. Moloney  
Email: tmoloney@cgsh.com  
Joseph M. Kay  
Email: jkay@cgsh.com

*Attorneys for HSBC Securities Service  
(Luxembourg) S.A.*

So Ordered This 19<sup>th</sup> Day of January, 2021

/s/ STUART M. BERNSTEIN  
Honorable Stuart M. Bernstein  
United States Bankruptcy Judge